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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AKIRA SATO, TAMAE SATO,

No. C 09-01559 CRB

Plaintiffs,

**ORDER OF REMAND**

v.

WORLD SAVINGS BANK et al.,

Defendants.

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Now pending before the Court is defendants' Notice of Removal. Courts in the Ninth Circuit "strictly construe the removal statute against removal jurisdiction." Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992). "Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." Id. Defendants, as the removing parties, bear the burden of establishing that removal was proper. See id.

Defendants have not met their burden. "The presence or absence of federal-question jurisdiction is governed by the well-pleaded complaint rule, which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." Caterpillar, Inc., v. Williams, 482 U.S. 386, 392 (1987) (internal quotations and citations omitted). Plaintiff's counsel's deposition statement is not part of the complaint; the operative complaint includes only state law questions.

1 Accordingly, this Court lacks subject matter jurisdiction and therefore REMANDS this  
2 action to the Superior Court of the State of California in and for the City and County of San  
3 Francisco.

4 **IT IS SO ORDERED.**

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6 Dated: May 5, 2009

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

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